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c 467 Training Schools Act

Ontario

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CHAPTER 467

The Training Schools Act**1.** In this Act,Interpre-
tation

- (a) "Department" means the Department of Correctional Services;
- (b) "foster home" means a foster home designated under section 19;
- (c) "home" means a foster home or home of the parent to which a child is transferred from a training school while a ward of such training school;
- (d) "inspector" means an officer of the Department designated as such by the Minister;
- (e) "judge" means a provincial judge;
- (f) "Minister" means the Minister of Correctional Services;
- (g) "Ontario training school" means a training school established under section 3;
- (h) "parent" means a person who is under a legal duty to provide for a child;
- (i) "private training school" means a training school established under section 4;
- (j) "regulations" means the regulations made under this Act;
- (k) "society" means a religious society, organization or order or a charitable or philanthropic organization;
- (l) "superintendent" means the superintendent or other person in charge of a training school;
- (m) "training school" means an Ontario training school or a private training school. 1965, c. 132, s. 1; 1968, c. 138, s. 1, *amended*.

2. The purpose of a training school is to provide the children therein with training and treatment and with moral, physical, academic and vocational education. 1965, c. 132, s. 2.

Purpose of
training
school

3.—(1) The Lieutenant Governor in Council may provide for the establishment of Ontario training schools.

Ontario
training
schools

Property	(2) All real property and chattels acquired by purchase, gift or otherwise and for the use of Ontario training schools are vested in the Crown, represented by the Minister of Public Works.
Cost	(3) The cost of establishing and maintaining Ontario training schools shall be paid out of such moneys as are appropriated therefor by the Legislature, and all revenues from whatsoever source derived by or pertaining to Ontario training schools shall form part of the Consolidated Revenue Fund. 1965, c. 132, s. 3.
Private training schools	4. —(1) The Lieutenant Governor in Council may authorize any society to establish and maintain a private training school, and, subject to the other provisions of this Act, a society so authorized is responsible for the maintenance in proper condition of the training school, its premises and equipment, and the Lieutenant Governor in Council may cancel any such authority for any reason that in his opinion warrants such cancellation.
Approval of plans and sales	(2) A society shall not erect, acquire, establish, change the site of, add to or structurally alter a private training school until the site and plans thereof have been approved by the Minister, and a society shall not sell or dispose of the premises of a private training school, or any part thereof, until the sale or disposal has been approved by the Minister.
Granting or leasing of land	(3) Any religious corporation may set apart and grant or lease for a nominal consideration or otherwise for the purposes of a private training school any land that it has a general power to dispose of for religious, charitable or educational purposes without being deemed guilty of a breach of trust. 1965, c. 132, s. 4.
Name	5. A training school shall bear such name or other designation as is approved by the Lieutenant Governor in Council. 1965, c. 132, s. 5.
Advisory Board	6. —(1) There shall be a board of not more than five members to be known as The Training Schools Advisory Board, the members of which shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure, and the Lieutenant Governor in Council may designate one of the members to be chairman of the Advisory Board.
Secretary	(2) The Minister may appoint a secretary for the Advisory Board.
Meetings	(3) The Advisory Board shall meet at the call of the Minister or the chairman.
Advisory Board to act in advisory capacity	(4) The Advisory Board shall act in an advisory capacity to the Minister and, when so requested by him, shall consult with him as to the administration of this Act and of training schools. 1965, c. 132, s. 6.

(5) The Advisory Board shall, by visiting and otherwise investigating training schools, ascertain the condition thereof and the welfare of the children therein, and shall report to the Minister and make such recommendations as it considers advisable.

Investigation of training schools

(6) The members of the Advisory Board shall serve without remuneration, but the Lieutenant Governor in Council may fix a *per diem* allowance to be payable to each member, and every member is entitled to his reasonable and necessary travelling expenses, as certified by the chairman, for attendance at meetings and in the transaction of the business of the Advisory Board.

Allowance as member of Advisory Board

7.—(1) Every training school shall be inspected at least twice a year by an inspector, who shall be given free access to all parts of its premises and to all its books and records and who shall make such inquiries as are necessary to determine the training and welfare of the staff and wards therein, and, in the case of a private training school, the inspector also has authority to inspect the books and records of the society maintaining the training school in so far as they relate to the training school.

Inspection of training schools

(2) The Minister may request any inspector or other officer of the Department or employee of any other department to conduct an inspection of any training school for any special purpose, and, for the purposes of the inspection, such inspector, officer or employee has the same powers as an inspector under subsection 1.

Minister may request inspection of training school

(3) The inspector and any other person who conducts an inspection under this section shall make such reports as the Minister requires. 1965, c. 132, s. 7.

Reports on inspections

8.—(1) Upon the application of any person, a judge may order in writing that a child under sixteen years of age at the time the order is made be sent to a training school where the judge is satisfied that,

Certain children under 16 may be sent to a training school

- (a) the parent or guardian of the child is unable to control the child or to provide for his social, emotional or educational needs;
- (b) the care of the child by any other agency of child welfare would be insufficient or impracticable; and
- (c) the child needs the training and treatment available at a training school,

and the order shall state the facts upon which the decision is based.

(2) Where an application is made under subsection 1, the judge shall,

Proceedings before judge

(a) hear the child; and

(b) hear the evidence of or on behalf of the person who has submitted the application and make adequate inquiry into the truth of such evidence. 1965, c. 132, s. 8 (1, 2).

Evidence
to be under
oath and
transcribed

(3) The evidence shall be given under oath and shall be taken down and transcribed,

(a) by the court stenographer, where the court has a court stenographer; and

(b) by a stenographer appointed by the judge, where the court does not have a court stenographer. 1965, c. 132, s. 8 (3), *amended*.

Hearing in
private

(4) The judge shall hear all cases coming before him under this section *in camera*. 1965, c. 132, s. 8 (5).

Other cases

9. A judge may order that a child be sent to a training school where,

(a) the child is at least twelve years of age and under sixteen years of age at the time the order is made; and

(b) the child has contravened any statute in force in Ontario, which contravention would be punishable by imprisonment if committed by an adult. 1965, c. 132, s. 9.

All admis-
sions to
be in
accordance
with this
Act

10. A child shall not be admitted to a training school except in accordance with this Act. 1965, c. 132, s. 10.

Contents
of order

11. The judge in his order sending a child to a training school shall state, where practicable, the name, age and religious faith of the child. 1968, c. 138, s. 3.

Copy of
evidence to
superinten-
dent and
Department

12.—(1) Where a judge orders that a child be sent to a training school, the judge shall cause a copy of the evidence taken before him to be sent to the superintendent of the training school and a copy to be sent to the Department. 1965, c. 132, s. 12 (1).

Clerk to
mail copies
of order

(2) The clerk of the court shall send by registered mail a certified copy of the order to the parent of the child, to the Department and to any other person the judge considers necessary. 1965, c. 132, s. 12 (2); 1968, c. 138, s. 4.

Appeal to
county or
district
court

13.—(1) A decision under section 8 granting or refusing an order to send a child to a training school may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the judge who made the decision is a county or district court judge, the appeal shall be

heard and disposed of by any other county or district court judge in the same county or district court district.

(2) A decision under section 9 may be appealed to a judge of the Supreme Court. 1965, c. 132, s. 13.

Appeal to
Supreme
Court judge

14. An appeal under this Act on behalf of a child may be made at the instance of a next friend. 1965, c. 132, s. 18 (2).

Appeal
by next
friend

15. As far as practicable, a Roman Catholic child shall be sent to such training school maintained by a Roman Catholic society or to such Ontario training school designated by the Minister as non-denominational as is determined by the regulations, and a child of any other religious faith shall be sent to such Ontario training school or such private training school, other than one maintained by a Roman Catholic society, as is determined by the regulations. 1965, c. 132, s. 14.

Religion of
child to be
considered

16. Every child sent to a training school shall be taken to the training school by a probation officer or other person designated by the judge in his order. 1965, c. 132, s. 15 (1); 1968, c. 138, s. 5 (1).

Transporta-
tion of
children
to training
school

17.—(1) Upon admission to a training school, a child becomes a ward of the training school, and the superintendent may exercise the rights and duties of a guardian for the purpose of the care, custody and control of the child.

Wardship
of training
school

(2) During the period that a child is a ward of a training school, the rights and duties of the child's parent or any other guardian in respect of the care, custody and control of the child are suspended.

Rights of
other
guardians

(3) The Minister may, upon or at any time after the release of a child from a training school, order that the wardship of the training school shall cease.

Termination
of wardship
by Minister

(4) The wardship of the training school shall continue until the child attains the age of eighteen years unless the Minister orders that the wardship shall cease before such date. 1965, c. 132, s. 23.

Termination
of wardship
upon child
attaining
18 years
of age

18. A clergyman of the religious faith to which a child appears to belong may visit the child at the school for the purpose of instructing him in religion on such days and at such times as may be fixed by the superintendent. 1965, c. 132, s. 24.

Visits by
clergymen

19.—(1) The Minister or any officer of the Department designated in writing by the Minister may,

Powers of
Minister

(a) designate foster homes for the purposes of this Act;

(b) order a child to be transferred,

- (i) from one training school to another or to a home, or
- (ii) from one home to another or to a training school;
- (c) order a child released from a training school upon such conditions as he thinks fit.

Placing-
out of
children

(2) Where a child is transferred from a training school to a home, the control of the superintendent is not thereby abated or diminished unless the Minister orders that the wardship of the training school shall cease. 1965, c. 132, s. 25.

Apprehen-
sion on
escape

20. If a child sent to a training school escapes therefrom or neglects to attend thereat, he may, at any time before the termination of wardship, be apprehended without warrant and brought back to a training school. 1965, c. 132, s. 26 (1).

What to be
deemed an
escape

21. Where a child leaves a home without the permission of the Minister or an officer of the Department designated in writing by the Minister, or refuses to return to the training school, he shall be deemed to have escaped from the training school. 1965, c. 132, s. 26 (2).

Penalties

22. Every person,

- (a) who aids or abets any child to escape from or unlawfully leave a training school or home;
- (b) who knowingly harbours or conceals a child who has escaped from or unlawfully left a training school or home, without giving notice of the child's whereabouts to the training school or to the local police authorities; or
- (c) who knowingly makes, or procures to be made, any false statement in any return required under this Act,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both. 1965, c. 132, s. 27.

Regulations

23. The Lieutenant Governor in Council may make regulations,

- (a) regarding the management, discipline, government and control of training schools and the maintenance of the buildings, premises and equipment thereof;
- (b) regulating the conduct and discipline of children in training schools;
- (c) prescribing the type of training, treatment and moral, physical, academic and vocational education to be provided in training schools and setting standards of instruction;
- (d) prescribing the conditions under which children may leave training schools;

- (e) for determining the training schools to which children may be sent under section 15;
 - (f) providing for the use in a training school of such products and articles as may be produced on the premises thereof, and for the sale of any surplus products or articles that may be produced or manufactured on the premises thereof;
 - (g) prescribing the records, books, account systems, audits, reports and returns to be kept and made by or pertaining to training schools;
 - (h) prescribing the duties of The Training Schools Advisory Board in addition to those duties mentioned in section 6;
 - (i) prescribing the powers and duties of superintendents, including the control that they may exercise over the children under their care;
 - (j) providing for the apportionment and distribution of grants to societies maintaining private training schools out of moneys appropriated therefor by the Legislature and for the conditions governing the payment thereof;
 - (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1965, c. 132, s. 28; 1968, c. 138, s. 9.
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